

# HOUSE BILL No. 1031

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-50-2-3.

**Synopsis:** Penalties for murder. Provides that a person who was at least: (1) 16 years of age at the time the person committed murder may be sentenced to life imprisonment without parole; and (2) 18 years of age at the time the person committed murder may be sentenced to death or life imprisonment without parole. (Current law allows a person who was at least 16 years of age at the time the person committed murder to be sentenced to death or life imprisonment without parole.) Specifies that if a person: (1) was less than 18 years of age at the time the person committed murder; (2) was sentenced to death for committing the murder; and (3) is awaiting execution of the death sentence; the person's death sentence is commuted to a sentence of life imprisonment without parole.

**Effective:** July 1, 2001.

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**Smith V, Frenz, Adams T, Budak**

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January 8, 2001, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1031

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 35-50-2-3 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) A person who  
3       commits murder shall be imprisoned for a fixed term of fifty-five (55)  
4       years, with not more than ten (10) years added for aggravating  
5       circumstances or not more than ten (10) years subtracted for mitigating  
6       circumstances; in addition, the person may be fined not more than ten  
7       thousand dollars (\$10,000).

8       (b) Notwithstanding subsection (a), a person who was at least:

9       (1) sixteen (16) years of age at the time the murder was  
10       committed may be sentenced to ~~(1) death; or (2)~~ life  
11       imprisonment without parole; **and**

12       (2) **eighteen (18) years of age at the time the murder was**  
13       **committed may be sentenced to:**

14       **(A) death; or**

15       **(B) life imprisonment without parole;**

16       under section 9 of this chapter unless a court determines under  
17       IC 35-36-9 that the person is a mentally retarded individual.

2001

IN 1031—LS 6013/DI 76++



1 SECTION 2. [EFFECTIVE JULY 1, 2001] (a) If a person:

2 (1) was less than eighteen (18) years of age at the time the  
3 person committed murder;

4 (2) committed the murder before July 1, 2001, and was  
5 sentenced to death for the murder; and

6 (3) is awaiting execution of the death sentence on July 1, 2001;  
7 the person's death sentence shall be commuted to a sentence of life  
8 imprisonment without parole.

9 (b) This SECTION expires July 1, 2006.

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